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January 12, 2018

VIA ELECTRONIC FILING

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Courtroom 705
New York, New York 10007
Fax: (212) 805-7986

Re: Ruth Rojas Duarte v. St. Barnabas Hospital (Civil Action No.: 15-cv-6824)

Dear Your Honor:

The undersigned is counsel to plaintiff Ruth Rojas Duarte ("Plaintiff") in the above referenced matter. Currently, the remainder of the Parties' pre-trial submissions, namely their respective (i) pre-trial memorandum of law¹; (ii) proposed conclusions of law and findings of fact; (iii) witness affidavits; and (iv) deposition designations are due today, January 12, 2018. Plaintiff respectfully requests that this deadline be extended up to and including Tuesday, January 16, 2018. Defendant's Counsel is prepared to file all of its pre-trial submissions that are due today, but consents to Plaintiff's request provided that Defendant's deadline is also extended so that the filing from both sides occurs on the same day.

The basis for this request is that the undersigned requires additional time to finalize Plaintiff's pretrial submissions to conform with the anticipated evidence and testimony to be elicited at trial. Specifically, while counsel have been working diligently on Plaintiff's pre-bench trial submissions, due to the work schedule and limited availability of witnesses and the Plaintiff, counsel has been unable to finalize and receive executed copies of the relevant witness affidavits. Accordingly, the undersigned respectfully requests that the deadline be briefly extended to allow the witnesses the weekend to review, finalize, and execute the necessary affidavits. Notably, as previously noted by Plaintiff's counsel, the information in the affidavits relates directly to the proposed conclusions of law and pre-trial memoranda. In light of this, the undersigned respectfully requests that the deadline for the remainder of the parties' pre-bench trial submissions be adjourned to Tuesday, January 16, 2018 so that counsel and the witnesses for the Parties are permitted the opportunity to finalize and perfect same.

¹ Notably, Defendant's counsel had previously consented to extending Plaintiff's deadline to file her pre-trial memorandum of law by one week. (See Dkt. No. 97). The Court has not ruled on that application.



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Thank you for your consideration of this request.

Respectfully submitted,

NESENOFF & MILTENBERG LLP

By: /s/ Megan Goddard

Megan S. Goddard, Esq.

**cc: Adriana S. Kosovych, Esq. (VIA ECF)
John F. Fullerton, Esq. (VIA ECF)**